

UNITED STATES DISTRICT COURT
WESTER DISTRICT OF NEW YORK

AEGIS SECURITY INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No.: _____

STROCK ENTERPRISES, LTD.,
STROCK CONTRACTING, INC.,
DAVID L. STROCK,
LISA M. STROCK,
LEE A. STROCK, AND
ROSEMARY A. VINCI STROCK,

Defendants.

**TO: THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF NEW YORK**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 and Rule 81 of the Local Rules of Civil Procedures for the Western District of New York, Defendants, Strock Enterprises, LTD., Strock Contracting, Inc. David L. Strock, Lisa M. Strock, Lee A. Strock, and Rosemary A. Vinci Strock ("Defendants"), by their attorneys, Woods Oviatt Gilman LLP, hereby file this Notice of Removal with the United States District Court for the Western District of New York, and in support of such, respectfully states as follows:

1. On or about November 9, 2017, Plaintiff, Aegis Security Insurance Company ("Plaintiff") commenced an action (the "State Court Action") against Defendants by filing a Summons and Complaint in the Supreme Court of the State of New York, County of Erie, bearing Index No.: 816061/2017. A true and accurate copy of the Summons and Complaint, with annexed Exhibits 1-2, is attached hereto as **Exhibit A**.

2. On March 6, 2018, Plaintiff filed Sheriff's Certifications of Service, true and accurate copies of which are attached hereto as **Exhibit B**.

3. Attached hereto as **Exhibit C** is an index identifying each document filed and/or served in the State Court Action. As set forth in **Exhibit C**, the Summon and Complaint and the Sheriff's Certifications of Service are the only documents on file in the State Court Action. No further proceedings have taken place in the State Court Action.

4. The Western District of New York embraces the place where the State Court Action is pending.

5. Defendants were served with a copy of the Summons and Complaint on March 1, 2018.

6. Defendants received a two-week extension (to and including April 4, 2018) of their time to answer or otherwise respond to the complaint.

7. Upon information and belief, no other parties have been joined or served as defendants in the State Court Action.

8. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because it is filed within 30 days of Defendants' receipt of service of a copy of the Summons and Complaint.

9. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction over this controversy based upon the diversity of citizenship of the parties, as set forth in 28 U.S.C. § 1332(a)(1).

10. Specifically, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) because:

a. Plaintiff seeks to recover a sum in excess of \$75,000.00. *See* Exhibit A, at ¶ 16.

b. At the time Plaintiff commenced the State Court Action and at the time of Defendants' removal, Plaintiff was and is a corporation existing under the laws of the

Commonwealth of Pennsylvania with a principal place of business at 4507 North Front Street, Suite 200, Harrisburg, Pennsylvania. *See* Exhibit A, at ¶ 1. Accordingly, Plaintiff is citizen of the Commonwealth of Pennsylvania.

c. At the time Plaintiff commenced the State Court Action and at the time of Defendants' removal, Defendant Strock Enterprises, LTD ("Strock Enterprises") was and is a corporation existing under the laws of the State of New York with a principal place of business at 2095 Old Union Road, Cheektowaga, New York. *See* Exhibit A, at ¶ 2. Accordingly, Strock Enterprises is a citizen of the State of New York.

d. At the time Plaintiff commenced the State Court Action and at the time of Defendants' removal, Defendant Strock Contracting, Inc. ("Strock Contracting") was and is a corporation existing under the laws of the State of New York with a principal place of business at 581 N. Blossom Road, Elma, New York. *See* Exhibit A, at ¶ 3. Accordingly, Strock Contracting is a citizen of the State of New York.

e. At the time Plaintiff commenced the State Court Action and at the time of Defendants' removal, Defendant David L. Strock ("David Strock") was and is an individual domiciled in the State of New York, with an address at 70 Covent Garden Lane, Williamsville, New York. *See* Exhibit A, at ¶ 4. Accordingly, Defendant David Strock is a citizen of the State of New York.

f. At the time Plaintiff commenced the State Court Action and at the time of Defendants' removal, Defendant Lisa M. Strock ("Lisa Strock") was and is an individual domiciled in the State of New York, with an address at 70 Covent Garden Lane, Williamsville, New York. *See* Exhibit A, at ¶ 5. Accordingly, Defendant Lisa Strock is a citizen of the State of New York.

g. At the time Plaintiff commenced the State Court Action and at the time of Defendants' removal, Defendant Lee A. Strock ("Lee Strock") was and is an individual domiciled in

the State of New York, with an address at 581 N. Blossom Road, Elma, New York. *See* Exhibit A, at ¶ 6. Accordingly, Defendant Lee Strock is a citizen of the State of New York.

h. At the time Plaintiff commenced the State Court Action and at the time of Defendants' removal, Defendant Rosemary A. Vinci Strock ("Rosemary Strock") was and is an individual domiciled in the State of New York, with an address at 581 N. Blossom Road, Elma, New York. *See* Exhibit A, at ¶ 7. Accordingly, Defendant Rosemary Strock is a citizen of the State of New York.

11. Complete diversity of citizenship exists as between Plaintiff and Defendants.

12. Written notice of the filing of this Notice of Removal and attached Exhibits will be served upon Plaintiff, and a copy will be filed in the appropriate State court, as required by 28 U.S.C. § 1446(d).

13. By this Notice of Removal, Defendants are not waiving, and expressly reserve, any defense that may be available to them.

WHEREFORE, Defendants prays that the action now proceeding against them in the Supreme Court of the State of New York, Erie County, bearing Index No. 816061/2017, be removed to this Court.

DATED: Buffalo, New York
March 28, 2018

By: s/ William F. Savino
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